



5. I am Special Counsel for the Thomas More Society, a not-for-profit, national public interest law firm dedicated to restoring respect in law for life, family, and religious liberty. The Thomas More Society provides pro bono legal representation to plaintiffs and defendants involved in complex civil rights and constitutional litigation nationwide.

6. The Thomas More Society and its attorneys have a substantial record of raising and diligently pursuing RFRA and First Amendment challenges to incursions on religious freedom.

7. For example, I and fellow Thomas More Society attorneys are awaiting determinations in the Eastern District of New York and the Second Circuit Court of Appeals as to our clients' RFRA and First Amendment challenges to New York State and New York City's "Boss Bills," which prohibit pro-life employers from refusing to hire someone who has had an abortion. *Slattery v. Cuomo*, No. 21-911 (2d. Cir.); *Slattery v. City of New York*, 1:20-cv-00580-PKC-RLM (E.D.N.Y.).

8. Prior to joining the Thomas More Society in 2018, I litigated constitutional and civil rights cases with D. John Sauer, now Solicitor General of the State of Missouri, first at Clark & Sauer, LLC, and then at James Otis Law Group, LLC.

9. From approximately 2008 to 2012, I practiced law at Schlichter, Bogard & Denton, in the appellate section of their ERISA fiduciary class action practice. The team I worked with brought novel, large-scale class actions against employers for breach of fiduciary duties within their 401(k) plans. Two of the cases I worked on, *Spano v. Boeing* and *Abbott v. Lockheed Martin*, were litigated for 9 years and ultimately resulted in \$57 million and \$62

million settlements, respectively, for employees. Courts have credited Schlichter's ERISA class action team for reforming the entire 401(k) industry through their numerous successful class actions challenging financial abuse: "The law firm Schlichter, Bogard & Denton has significantly improved 401(k) plans across the country by bringing cases such as this one[.]" *Spano v. Boeing Co.*, No. 06-743, 2016 WL 3791123, at \*3 (S.D. Ill. Mar. 31, 2016).

10. The Thomas More Society is an entire law firm of specialists in the laws applicable in this case, including RFRA and the First Amendment. Our team has expended considerable effort already in connection with the preliminary injunction [Doc. 51] and formulating and presenting the legal issues before the Court in the First Amended Class Action Complaint. We are fully prepared to prosecute this matter on behalf of the Plaintiff and the proposed class.

11. I understand the nature and magnitude of the expenses involved in litigating class action lawsuits and, as attorneys associated with Thomas More Society, counsel have sufficient resources to vigorously prosecute this action.

Dated this 28th day of February 2022.

/s/ Mary Catherine Hodes  
Mary Catherine Hodes